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10/075,112	02/12/2002	David Beran	DBI-003	6955

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David B. Ritchie  
THELEN REID & PRIEST LLP  
P.O. Box 640640  
San Jose, CA 95164-0640

EXAMINER

PARTHASARATHY, PRAMILA

ART UNIT PAPER NUMBER

2136

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/075,112

Applicant(s)

BERAN, DAVID

Examiner

Pramila Parthasarathy

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-7, 9-12, 27-43, 45 and 48-51 is/are allowed.
- 6) ☒ Claim(s) 8, 13-17, 19, 22-26, 44, 46, 47 and 52 is/are rejected.
- 7) ☒ Claim(s) 18, 20 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is in response to remarks and amendments filed on September 12, 2006. No claims were added. Claims 1 – 52 are pending.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 8, 20, 44 and 46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "said operator server" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "the operator server" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 44 recites the limitation "said satellite dish" in line 3. There is insufficient antecedent basis for this limitation in the claim. Claim 39 recites "a satellite dish" and Claim 44 recites, "a satellite dish couple to the set-top box" and "said satellite dish".

Claim 46 recites the limitation "said operator server" in line 3. There is insufficient antecedent basis for this limitation in the claim.

The dependent claims are rejected at least by virtue of their dependency on the dependent claims and by other reason set forth in this office action.

### ***Response to Arguments***

3. Applicant's arguments filed on September 12, 2006, have been fully considered and with respect to Claims 1 – 7, 9 – 12, 27 – 43, 45, 48 – 51 are persuasive but with respect to Claims 13 – 26 and 52, they are not persuasive for the following reasons:

Regarding independent Claims 13 and 52, applicant argued that the cited prior art Morale fail to teach or suggest “transmitting said audiovisual data corresponding said request to a satellite for receipt by the user with a satellite dish, said transmitting occurring in accordance with said transmission schedule”, (see arguments Page 16). However, Examiner points to the recitation of Claims 13 and 52, which do not have the above said, “transmitting said audiovisual data corresponding said request to a satellite”

Therefore, the examiner respectfully asserts that the cited prior art does teach or suggest the subject matter broadly recited in the independent claims 13 and 52. The dependent claims are rejected at least by virtue of their dependency on the dependent claims and by other reason set forth in this office action.

Accordingly, the rejection for the pending claims 13 – 26 and 52 is respectfully maintained.

***Allowable Subject Matter***

4. Claims 1 – 7, 9 – 12, 27 – 43, 45 and 48 – 51 are allowed.
5. Claims 8 and 44, 46 and 47 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
6. Claims 18 and 20, 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 13 – 17, 19, 22 – 26 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Morales (U.S. Patent Number 5,291,554).

Regarding Claims 13 and 52, Morales teaches receiving a request for audiovisual data from the user via a network, said audiovisual data corresponding to said request having a title (Column 6 lines 43 – 68);

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determining if said title is already in a transmission schedule (Column 6 lines 43 – 68);

adding said title to said transmission schedule if it is not already in said transmission schedule (Column 6 lines 43 – 68);

encrypting said audiovisual data corresponding to said request using an encryption algorithm, said encryption algorithm having a corresponding decryption algorithm (Column 6 lines 18 – 34);

generating a decryption key unique to the user using said corresponding decryption algorithm (Column 6 lines 18 – 34);

forwarding said decryption key to the user via said network (Column 5 lines 60 – 68); and

transmitting said audiovisual data corresponding to said request to said user, said transmitting occurring in accordance with said transmission schedule (Column 6 line 58 – Column 7 line 36).

Claim 14 is rejected applied as above in rejecting Claim 13. Furthermore, Morales teaches wherein said network is the Internet (Column 4 lines 37 – 47).

Claim 15 is rejected applied as above in rejecting Claim 13. Furthermore, Morales teaches if said transmission schedule is empty, adding one or more popular titles to said transmission schedule (Column 7 lines 3 – 25).

Claim 17 is rejected applied as above in rejecting Claim 13. Furthermore, Morales teaches wherein said encryption algorithm is based on the Pretty Good Privacy (PGP) (Column 6 lines 18 – 28).

Claim 22 is rejected applied as above in rejecting Claim 13. Furthermore, Morales teaches further including informing the user of a planned transmission time for said audiovisual data corresponding to said request (Column 5 lines 51 – 68).

Claim 23 is rejected applied as above in rejecting Claim 13. Furthermore, Morales teaches wherein said audiovisual data corresponding to said request has a playing speed, and said transmitting includes transmitting said audiovisual data at a rate faster than said playing speed (Column 5 lines 51 – 68 and Column 7 lines 14 – 25).

Claim 24 is rejected applied as above in rejecting Claim 13. Furthermore, Morales teaches wherein said audiovisual data corresponding to said request has a playing speed, and said transmitting includes transmitting said audiovisual data at a rate slower than said playing speed (Column 5 lines 51 – 68 and Column 7 lines 14 – 25).

Claim 25 is rejected applied as above in rejecting Claim 13. Furthermore, Morales teaches wherein said audiovisual data corresponding to said request has a playing speed, and said transmitting includes transmitting said audiovisual data at a rate slower than said playing speed (Column 5 lines 51 – 68 and Column 7 lines 14 – 25).

Claim 26 is rejected applied as above in rejecting Claim 13. Furthermore, Morales teaches wherein said transmitting includes transmitting said audiovisual data via terrestrial digital transmission (Column 5 lines 51 – 59).

Claims 16 is rejected applied as above in rejecting Claim 15. Furthermore, Morales teaches wherein said one or more popular titles are determined by statistical analysis of past requests by users (Column 5 lines 51 – 68 and Column 7 lines 14 – 25).

Claims 19 is rejected applied as above in rejecting Claim 13. Furthermore, Morales teaches wherein the audiovisual data is a movie (Column 6 lines 43 – 68).

Claim 22 is rejected applied as above in rejecting Claim 13. Furthermore, Morales teaches further including informing the user of a planned transmission time for said audiovisual data corresponding to said request (Column 5 lines 51 – 68).



Claim 23 is rejected applied as above in rejecting Claim 13. Furthermore, Morales teaches wherein said audiovisual data corresponding to said request has a playing speed, and said transmitting includes transmitting said audiovisual data at a rate faster than said playing speed (Column 5 lines 51 – 68 and Column 7 lines 14 – 25).

Claim 24 is rejected applied as above in rejecting Claim 13. Furthermore, Morales teaches wherein said audiovisual data corresponding to said request has a playing speed, and said transmitting includes transmitting said audiovisual data at a rate slower than said playing speed (Column 5 lines 51 – 68 and Column 7 lines 14 – 25).

Claim 25 is rejected applied as above in rejecting Claim 13. Furthermore, Morales teaches wherein said audiovisual data corresponding to said request has a playing speed, and said transmitting includes transmitting said audiovisual data at a rate slower than said playing speed (Column 5 lines 51 – 68 and Column 7 lines 14 – 25).

Claim 26 is rejected applied as above in rejecting Claim 13. Furthermore, Morales teaches wherein said transmitting includes transmitting said audiovisual data via terrestrial digital transmission (Column 5 lines 51 – 59).

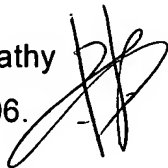
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**Conclusion**

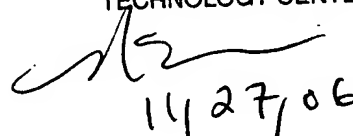
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-232-4195. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy  
November 27, 2006.



NASSER MOAZZAMI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

  
11/27/06